

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GABRIEL J.B. MONTOYA, HAYDAR
AL-ASSADI, and ARES BROWN,

Plaintiffs,

v.

No. 1:22-cv-00265-KG-JHR

NEW MEXICO CORRECTIONS
DEPARTMENT, *et al.*,

Defendants.

ORDER DENYING MOTION TO WITHDRAW WITHOUT PREJUDICE

Before the Court is Shavon M. Ayala's Motion to Withdraw as Counsel [Doc. 31], filed by Ayala in her capacity as Plaintiffs' attorney. The Court denies the Motion without prejudice because it does not comply with the District's local rules. Ayala is invited to refile the Motion in compliance with the rules discussed below.

Motions filed in the District of New Mexico must state: (1) whether they are opposed, and (2) that the movant requested, in good faith, concurrence from the other side. D.N.M.LR-Civ 7.1(a). Motions that do not meet these requirements can be summarily denied. *Id.* Ayala's Motion does not state whether opposing parties concur, nor whether she sought concurrence. [See Doc. 31]. This is one reason the Court denies the Motion.¹

The Court also denies Ayala's Motion because it does not comply with Local Rule 83.8(b). Ayala's Motion describes limited contact with Plaintiffs Al-Assadi and Montoya but does not show that Ayala gave her clients notice about the requirements of objecting to the

¹ If Ayala refiles her Motion and opposing parties concur that it should be granted, Ayala must also submit a proposed order to ritterproposedtext@nmd.uscourts.gov. D.N.M.LR-Civ 7.2.

Motion. [Doc. 31, pp. 1–2]. Unless Al-Assadi and Montoya consent to Ayala’s Motion, Local Rules require Ayala to give her clients this notice. D.N.M.LR-Civ 83.8(b). This failure also warrants denial.

Ayala may file a new Motion to Withdraw as Counsel which complies with Local Rules.

IT IS THEREFORE ORDERED that Shavon M. Ayala’s Motion to Withdraw as Counsel [Doc. 31] is **DENIED WITHOUT PREJUDICE**.



Jerry H. Ritter
U.S. Magistrate Judge